



MS APPEAL BRIEF - PATENTS  
PATENT  
2565-0225P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of                      Before the Board of Appeals  
WADAKA, et al.                              Appeal No.:

Appl. No.:              09/778,872                      Group:              2834  
Filed:                      February 8, 2001                      Examiner: M. Budd  
Conf.:                      9099  
For:                      FILM ACOUSTIC WAVE DEVICE AND ITS  
                            MANUFACTURING METHOD AND CIRCUIT DEVICE

REPLY BRIEF TRANSMITTAL FORM

**MS APPEAL BRIEF - PATENTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 24, 2005

Sir:

Transmitted herewith is a Reply Brief on behalf of the appellants in connection with the above-identified application.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The Examiner's Answer was mailed on December 28, 2004.

☐ An extension of time under 37 C.F.R. § 1.136(b) to                      was requested on                      and was approved on                      .

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

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Attachment(s)



**MS APPEAL BRIEF - PATENTS**

**PATENT  
2565-0225P**

IN THE U.S. PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

WADAKA, Shusou et al.

Appeal No.:

Appl. No.: 09/778,872

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Examiner: M. Budd

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For: FILM ACOUSTIC WAVE DEVICE AND ITS  
MANUFACTURING METHOD AND CIRCUIT  
DEVICE

**SUPPLEMENTAL REPLY BRIEF**

MS APPEAL BRIEF – PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**February 24, 2005**

Sir:

The following Supplemental Reply Brief is submitted in response to the Supplemental Examiner's Answer dated December 28, 2004.

Applicants thank the Examiner for indicating the Information Disclosure Statements filed on February 8, 2001 and July 2, 2001 as being considered.

Applicants note the Examiner's statement of their position with respect to Claims 35-39. However, the Order of the Board of Appeals dated December

6, 2004 specifically requests the Examiner to clarify the rejection of Claims 35-39, 61 and 62. Since Claims 61 and 62 were not addressed in the Examiner's Supplemental Answer, it is presumed that the Examiner considers these claims allowable. If this assumption is incorrect, the Examiner's clarification of this issue would be appreciated.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH STEWART KOLASCH & BIRCH, LLP

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